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PART IV

Private Advertisements and Miscellaneous Notifications

Kerala State Legal Services Authority NOTIFICATION

No. 2281/D/11/KELSA. 19th October 2011.

In exercise of powers conferred by Section 29 A of the Legal Services Authorities Act, 1987 (Central Act 39 of 1987) the Kerala State Legal Services Authority hereby makes the following Regulations to amend the schedule with reference to Regulation 41 (3) of the Kerala State Legal Services Authorities Regulations, 1998 issued as per Notification No. D-435/98/KELSA dated 7-9-1998 published in Kerala Gazette Extraordinary No. 1832 dated 7-11-1998 and as per Kerala State Legal Services Authority (Amendment) Regulations 2006.

REGULATIONS

1. *Short title and commencement.*—(i) *These Regulations may be called Kerala State Legal Services Authority (Amendment) Regulations 2011.*
(ii) They shall come into force w.e.f. 3-9-2011, the date on which the State Authority resolved to make the amendment.

- (ii) They shall come into force w.e.f. 3-9-2011, the date on which the State Authority resolved to make the amendment.

2. *Amendment of schedule as per Regulation 41 (3).*—

The existing schedule of fees payable to the legal practitioners on the panel as shown the Regulations shall be deleted and in its place the following schedule shall be inserted.

SCHEDULE

FEES PAYABLE TO THE LEGAL PRACTITIONERS ON THE PANEL

[See Regulation 41 (3)]

SUBORDINATE COURTS

A. CIVIL

1. ORIGINAL SUITS

In original suits advocates fees shall be calculated on the value of the Subject matter of the suit for determining the jurisdiction of the court according to the following scales.

- (a) on the first sum of ₹ 5,000 at 7%
- (b) on the next sum of ₹ 5,000 at 5%
- (c) on the next sum of ₹ 40,000 at 3%
- (d) on sum above ₹ 50,000 at 2%

subject to a maximum fees of ₹ 3,000

Provided that the fees allowed in Civil suit shall be ₹ 1,000 in the suits prosecuted in the Court of Munsiff; ₹ 1,500 in the court of a Subordinate Judge; and ₹ 2,000 in the court of a District Judge.

Provided further that in suits filed by the Banks for recovery of loans advanced by them, the fee payable for an advocate appearing for the defendant shall be a fixed fee of ₹ 1,000 in a Munsiff's Court and ₹ 1,500 in a Subordinate Judge's Court.

2. EXECUTION CASES

In execution cases, the advocate's fee shall be calculated at the rate of 25% of the fee calculated, at the rates specified in paras 1 above, subject to a minimum of ₹ 250 and maximum of ₹ 1,500.

3. REGULAR APPEALS

In a regular appeal, the advocate's fee shall be calculated at the rate specified in para 1 above on the value of the amount of the subject matter in dispute in the appeal, subject to a minimum of ₹ 1,000 and maximum of ₹ 5,000.

4. EXECUTION APPEALS

In execution appeals, the advocate's fee payable shall be 25% of the fee which would have been payable if the appeals were regular appeals, subject to a minimum of ₹ 1,000 and maximum of ₹ 1,500.

OTHER PROCEEDINGS

In other proceedings the advocate's fee shall be as fixed by the Court having regard to the time occupied in the hearing of the case and nature of the questions raised with the minimum and maximum, specified here under:—

	Minimum ₹	Maximum ₹
1. Land Acquisition cases	1,000	3,000
2. Matrimonial cases	500	1,000
3. Guardian & Wards cases	500	1,000
4. Contentious Probate & Letters of Administration cases	500	1,000

5. Succession Certificate and Probate Petitions	1,000	1,500
6. Insolvency cases	1,000	3,000
7. Arbitration cases	1,500	3,000
8. Hindu Religious and C.I. cases	1,000	3,000
9. Copy Right cases	1,500	3,000
10. Trade marks & Passing off	1,500	3,000
11. Any other original proceedings	1,000	3,000
12. Any proceedings not falling under other items a fixed fee of ₹ 1,000 per case		1,000
13. Other petitions	1,000	1,000
14. Miscellaneous Appeal	1,000	1,500
15. Building (Lease and Rent Control Petitions and Appeal)	1,000	1,500

Note:—(1) If the court fails to fix the advocate's fee the court shall be deemed to have awarded the minimum specified above.

(2) Only half of the fee prescribed shall be payable in uncontested cases and cases settled out of court.

(3) The fee for drafting plaints, appeals, written statements, original applications or petitions under different enactments, objections to petitions stated above shall be ₹ 100 per case. It shall be in addition to the fee for conducting such cases. No fee shall be paid for drafting interlocutory applications.

B. CRIMINAL

The following fee shall be payable to the advocates in each of the cases:

1. Sessions Cases — ₹ 400 per day for effective appearance subject to a minimum of ₹ 1,000 and to a maximum of ₹ 3,000 per case.
2. Other Criminal Cases, Criminal appearance subject to a minimum of ₹ 400 and maximum of ₹ 1,000. (cases where Miscellaneous appearance is involved and criminal appeals)
3. Bail applications — ₹ 500 per application.
4. In Revision Petitions — ₹ 500 per case
5. (a) In Private Complaints — ₹ 200 per day of effective appearance subject to a

1,000. minimum of ₹ 400 per case and maximum of ₹

(b) If it is not registered as a case by the Court — ₹ 400 per case

(c) For drafting Criminal Complaints Appeals and Revisions — ₹ 200 per case

HIGH COURT

Category	Filing Expenses	Legal Fee	Total
Writ Petitions/WA	750	1750	2500
MFA	750	1750	2500
CMA/FAO	500	1500	2000
Crl.RP/Crl.Appeal	500	1500	2000
RFAs/AS (Regular First Appeals)	500	1000-4000 (Payable on the value of the subject matter of the appeal)	..
Appeals in other instances	750	1750	2500
Contempt of Court cases	250	1500	1750
Sales Tax Revision	250	1500	1750
Tax Revision cases	250	1500	1750
Crl. Petitions (Including Crl. MC, Bail Application)	..	1050	1050
Habeas Corpus WP (Crl.)	250	1500	1750
CAT Cases/OP	250	1500	1750
Company Cases	250	750-1750	..
Civil Revision Petition (including RCR)	250	1750-2250	..
Review petitions	250	1000-1250	..
LAA cases	250	1250-2250	..

Note:—Transfer petitions are being treated on a par with writ petitions for sanctioning fee and expenses.

TRIBUNALS

1. MOTOR VEHICLES ACCIDENT CASES

In Motor Vehicles Compensation cases the advocate's fee shall be payable as per the following rates namely:—

Advocate's Fee

(1) If the principal amount of compensation Awarded is : ₹ 1,000 to ₹ 15,000 or less.

(2) If the principal amount of : ₹ 1,000+2.5%

on

compensation Awarded Exceed ₹ 15,000 but does not Exceed the amount in the excess

₹ 30,000 of ₹ 15,000

(3) If the principal amount of compensation Exceeds ₹ 30,000 but does not exceed ₹ 50,000 in excess of ₹ 30,000

(4) If the principal amount of compensation Exceeds ₹ 50,000 of the amount in excess of ₹ 50,000 Subject to a maximum ₹ 4,500

2. LABOUR COURTS, INDUSTRIAL TRIBUNALS AND W. C. COMMISSIONERS COURTS

₹ 200 per day of effective appearance subject to a minimum of ₹ 1,000 and maximum of ₹ 1,500

3. OTHER CASES

In cases before all other Tribunals, and other Authorities, the advocate's fee payable shall be ₹ 200 per day of effective appearance subject to a minimum of ₹ 400 and maximum of ₹ 1,000 per case.

Note:—For drafting applications or counters in the matters arising out of items 1 to 3 above the fee shall be ₹ 100 per case.

Niyama Sahaya Bhavan,
High Court Compound,
Kochi-682 031.

By Order,
P. MOHANADAS,
District Judge
(Member Secretary).

Explanatory Note

(This does not form part of the Notification and is intended to indicate its general purport.)

Regulation 41 (3) deals with the remuneration payable to the Legal Practitioners as per Schedule. Since the remuneration fixed by Legal Practitioners has become too inadequate in the present day money value, this amendment is effected. This notification is intended to amend the existing schedule of fees to make them suitable for their intended purpose in the present day context as decided in the 42nd meeting of the Kerala State Legal Services Authority on 3-9-2011.